

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

IN OPEN COURT  
MAY - 7 2015

CLERK, U.S. DISTRICT COURT  
NORFOLK, VA

UNITED STATES OF AMERICA

v.

ALDRIC SMIEJA HERNICK,

Defendant.

) Criminal No. 2:15cr44  
) 18 U.S.C. § 2252(a)(4)(A)  
) Possession of Child Pornography  
) (Count One)  
)  
) 18 U.S.C. § 2252(a)(1)  
) Transportation of Child Pornography  
) (Count Two)  
)  
) 18 U.S.C. § 2253  
) Criminal Forfeiture

**SUPERSEDING INDICTMENT**

May 2015 Term -- At Norfolk, Virginia

**COUNT ONE**

THE GRAND JURY CHARGES THAT:

On or about September 2014, in the special maritime and territorial jurisdiction of the United States of America, on board the USS GUNSTON HALL (LSD-44), a United States Navy warship with a home port in Norfolk, Virginia, defendant ALDRIC SMIEJA HERNICK did knowingly possess one or more matters containing visual depictions that had been mailed, shipped and transported in interstate and foreign commerce, and which were produced using materials that had been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, and which visual depictions were of such conduct, to wit: ALDRIC SMIEJA HERNICK knowingly possessed visual depictions bearing the file names: "Church Girls Gone Wild - 11 yo daughter totally naked - pthc ptsc pedo underage illegal preteen daughter xxx naked nude tin 1.jpg," "124858837296.jpg," "1238033848515.jpg," and "1238033978445.jpg."

(In violation of Title 18, United States Code, Sections 2252(a)(4), 2256(1) and (2).)

**COUNT TWO**

The Grand Jury further charges that:

In or about February 2014, within the Eastern District of Virginia, the defendant ALDRIC SMIEJA HERNICK, knowingly transported visual depictions, in or affecting interstate or foreign commerce, by any means including by computer, and the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct and the visual depictions were of such conduct.

(In violation of 18 U.S.C. § 2252(a)(1) and (b).)

**CRIMINAL FORFEITURE**

THE GRAND JURY FURTHER ALLEGES THAT:

A. Defendant ALDRIC SMIEJA HERNICK, upon conviction of the sole Count in this Indictment, as part of the sentencing of the defendant pursuant to Fed.R.Crim.P. 32.2, shall forfeit to the United States:

1. Any and all matter which contains child pornography or any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A, 2252B, or 2260 produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Section 2251 *et seq.*;

2. Any and all property, real and personal, used or intended to be used in any manner or part to commit or to promote the commission of violations of Title 18, United States Code, Section 2251 *et seq.*, and any property traceable to such property;

3. Any and all property, real and personal, constituting, derived from, or traceable to gross profits or other proceeds obtained from the violations of Title 18, United States Code, Section 2251 *et seq.*; and

4. Any other property of the defendant, up to the value of the property subject to forfeiture, if any property subject to forfeiture, as a result of any act or omission of the defendant (a) cannot be located upon the exercise of due diligence, (b) has been transferred to, sold to, or deposited with a third party, (c) has been placed beyond the jurisdiction of the Court, (d) has been substantially diminished in value, or (e) has been commingled with other property that cannot be divided without difficulty.

B. The property subject to forfeiture under Paragraph A includes, but is not limited to, the following items seized from the defendant in or around February 2013:

One (1) HP Elite Book, Model 2760p, SN2C31310N0G with Hitachi 320GB SATA HDD, Model Z7K320-320, SN 110720E3834563JH95XN; and

One (1) Motorola Droid Razr Maxx HD Cellphone with cracked screen.

(All pursuant to Title 18, United States Code, Sections 2253 and 981(a)(1)(C); Title 28, United States Code, Section 2461(c); and Title 21, United States Code, Section 853(p).)

*United States of America v. ALDRIC SMIEJA HERNICK*

Sealed Pursuant to the  
E-Government Act of 2002

2:15cr44

A TRUE BILL:

REDACTED COPY

FOREPERSON

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UNITED STATES ATTORNEY

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